

Meeting Summary

Nevada State Board of Cosmetology Law Review Sub-Committee Meeting

*This document is a summary of the Law Review Sub Committee meeting, held on:
September 9, 2013 at 9:00 a.m.*

*This meeting was held via Video-Conferencing at the following locations:
Las Vegas: Grant Sawyer Building, 555 E. Washington Avenue, Suite 2600
Carson City: Nevada Gaming Control Board, 1919 E. College Parkway*

Board Members Present:	Las Vegas:	April Long, Secretary-Treasurer JoAnna Tran, Board Member
	Carson City:	Perry Nixdorf, Chairman
Administration Present:	Las Vegas:	Gary Landry, Executive Director Annie Curtis, Chief Inspector Monica Bradford, Admin Assistant

The meeting was called to order at 9:00 a.m. by Perry Nixdorf.

The following are the agenda items, the actions taken and the vote on those items.

There were no comments by General Public on any items not on the agenda.

Consideration and approval of the Agenda and its posting.

Action taken: Approved the Agenda and its posting.
The Agenda was posted according to Nevada's Open Meeting Law Requirement

Motion: April Long Second: JoAnna Tran

Vote: Ayes: 3 Nays: 0 Abstentions: 0

Agenda Item #4

Review changes created at the August 12, 2013 Law Review Sub-Committee meeting.

No changes were created. All proposed changes to NRS regarding Advertising and Threading were sent out to Committee Members as well as the Board. The Sub-Committee instructed the Executive Director to send a letter to the Legislature notifying them that there have been no complaints against Threaders. It was mentioned that a workshop is being scheduled to review changes needed to NAC.

Agenda Item #5

Review and possibly formulate revisions for submission to the 2015 Legislature to create the possibility of a "Shampoo Assistant". There is a need to address the ability of a salon to utilize license or pre-licensed individuals for simple assistant type tasks within the cosmetological establishment.

We intend to continue to explore options from last meeting and possibly formulate proposed new regulations to allow this.

Staff Recommendations were read and were based on input from Northern and Southern school owners, as well as information received from the Inspection Department.

The suggested new definition for this position is "Shampoo Technologist".

Recommendations were discussed for the range of services which this licensee would be able to perform on the public. Some of these duties included: shampooing and rising hair; combing or brushing the hair to remove tangles; removal of rods, tints, relaxers or other solutions from the hair; cleaning and sanitizing the sink and other sink-related functions; cleaning combs and brushes. It was decided a restriction for this licensee would be the ability to apply any chemicals.

The suggested licensing requirement for this position would be a minimum of 16 years of age; be of good moral character; successfully completed the 10th grade or its equivalent; is a citizen of the United States or is lawfully entitled to work in the United States; have had practical training in a licensed school of cosmetology of at least 120 hours and up to 200 hours; or have practiced as a licensed shampoo technologist for one (1) year outside the State of Nevada.

The testing recommendation was for an applicant to pass the written test on the laws of Nevada and regulations of the Board relating to cosmetology. Practical demonstrations to prove skill in the above mentioned range of services would be conducted and certified by a licensed school of cosmetology.

Public comments were heard which included the following :

The shampoo technologist should not be allowed to apply any chemicals or toner;

Any chemicals removed should be checked by the cosmetologist;

More than 200 hours should be required;

The Cosmetologist would be liable for the shampoo technologist;

Communication skills should be part of the curriculum;

Question posed on whether this would be part of the full cosmetology course;

The states of Indiana and Illinois dropped this position due to issues;

Consequently, **more discussion and research is needed on this topic.** Action will be deferred to the next Law Review Sub-Committee meeting. The Executive Director will contact several states that currently license Shampoo Technologists as well as

Indiana and Illinois to find out what issues they had. He will also contact the National Interstate Council of State Boards of Cosmetology (NIC) for questions on specific requirements.

Agenda Item #6

Review and possibly formulate revisions to the 2015 Legislature for:

NRS 644.248 Hair braiders: Scope of examination

2. (b) A practical demonstration in hair braiding

We will be discussing the possibility of removing the practical test in lieu of an affidavit from the school attesting to competency. Additionally, we will examine:

NRS 644.208 Hair braiders: General qualifications for examination

NRS 644.209 Hair braiders: Qualifications for examination for person who has practiced hair braiding in another state and:

NAC 644.0539 Passing score

A review of the Board's requirements for hair braiders showed that over the last three (3) years, only nine (9) practical exams were administered and there are currently eight (8) active licensees. The recommendation by Administrative Staff is to not make any changes to the current method of licensing Hair Braiders. A suggestion was made to change the list of approved methods of identification by removing the use of voter registration cards as proof of age since they do not contain photos and are easily falsified.

The discussion about this process concluded that the practical test is not so much about the skill or quality of work that a Hair Braider performs, but rather their knowledge of effective sanitation measures. The suggested path to take is for schools to "certify" Hair Braiders as in the previous recommendations for the Shampoo Technologist. The Chairman directed Administrative Staff to draft the appropriate language to reflect this change and present it to the committee at the next meeting. Testing recommendation was for an applicant to pass the written test on the laws of Nevada and regulations of the Board relating to cosmetology, but would not be required to take a practical exam.

Agenda Item #7

Review and possibly formulate revisions for submission to the 2015 Legislature to:

NRS 644.325 Renewal of License

We currently license individuals and establishments for a two (2) year period. If we were to switch to a three (3) year renewal period, this would cut down the work flow of paper by approximately one third.

For example: If we theoretically administer 26,000 licenses and they expire every two (2) years then Staff is processing 13,000 on a yearly basis.

By switching to a three (3) year licensure period this would reduce the yearly licensing work flow to approximately 8600 per year. Additionally there would be significant savings

realized in the generation, printing and mailing of forms including the inherent costs of postage for said activities. Licensees would benefit by not having to repeat the process, take new photos, etc. every two (2) years.

The recommendation from Administrative Staff was to extend the licensing requirement to once every four (4) years, including the initial license. This would be consistent with the standards set by the Nevada Department of Motor Vehicles for drivers' licensure. The benefit would be that it would cut down on administrative costs such as postage, printing and staff time. It would streamline the renewal process and make it easier to do business in our State. There would be NO fee increase; only timing issue.

This would ensure that there would not be a need for any increase in licensure costs.

All fees would be doubled based only on not having to renew again for four (4) years. All other requirements such as CEU's would stay the same but would mirror the extended renewal time. This recommendation would also apply for renewals of Schools and Salons. Also recommended was to change the actual size of the required picture submission to be more consistent with the current standard size for passport pictures. Staffing may or may not be less since reallocation would allow for more inspections more frequently.

This topic will be discussed again at the next meeting. The discussion will be only about the actual term of the licensure but not the fees.

Agenda Item #8

Review and possibly formulate revisions for submission to the 2015 Legislature to **NRS 644.472 Unlawful for animal to be on premises of licensed establishment for hair braiding or cosmetological establishment; exception.**

The Attorney General's opinion was written in 1985. Since that time there have been many cultural and legal changes to this issue brought out by the federal "Americans with Disabilities Act". Federal law precludes us from requesting medical documentation when determining if an animal is considered to be a service animal. Service animals are now widely used for a myriad of disabilities and medical issues which go way beyond being visually or aurally impaired and are not relegated to dogs only. Our Statute on this matter should reflect the current proliferation of service animals and the superseding federal laws which are now in place to protect said usage. (For Possible Action)

The recommendation was to add a provision under NRS 644.472 which would allow a service animal, as defined by the Americans with Disabilities Act, to be allowed on the premises of a licensed establishment for cosmetology or hair braiding.

The proposed revised legislation provides conformity with the ADA 2010 Revised Requirements which is the most current version of the ADA and clarifies and refines issues that have arisen over the past 20 years.

Action taken: A vote was taken to approve changes to NRS 644.472

Motion: April Long

Second: JoAnna Tran

Vote: Ayes: 3

Nays: 0

Abstentions: 0

Agenda Item #9

Review and possibly formulate revisions for submission to the 2015 Legislature to
NRS 644.370 Supervision by license person.

With the advent of salon suites and the leasing of stations, the salon business model has changed and the law may need some revision. Also

NAC 644.037 Interpretation of NRS 644.370

May need to be reviewed and revised.

The recommendation is to take out the specifics of NRS 644.370 and replace it with broader language to make it clear who that supervisor is. It would also define who the supervisor would be in the case of a leased space. Hair Braiders would be added for continuity to NRS 644.360.

Also, an addition to NAC 644.037 was suggested that would include hair braiders to have the same supervision requirements.

Action taken: A vote was taken to approve changes to NRS 644.370 & NRS 644.360

Motion: April Long

Second: JoAnna Tran

Vote: Ayes: 3

Nays: 0

Abstentions: 0

Agenda Item # 10

Review and possibly formulate revisions for submission to the 2015 Legislature to
NAC 644.330 Plumbing; dispensary sink; floor coverings.

There is currently no regulation in place requiring a shampoo bowl in any salon licensed for hair services. There could be better clarity of the requirement for salons licensed for hair services to have a shampoo bowl.

Although the recommended clarifications would mainly fall under NAC statutes, the Statutes need to be revised to clarify the shampoo bowl requirements. This Statute should be modified as set forth in the regulations.

An addition was also recommended for those establishments performing hair design or hair braiding if their services include cleansing of the hair to be required to have a shampoo bowl to meet sanitation requirements.

Establishments for hair braiding would also be included in regulations as set forth for cosmetological establishments.

No Comments by General Public

Agenda items requested for next meeting:

Surety Bond / Amnesty Program

Meeting Adjourned at 11:37 a.m.